

# House File 349

PAG LIN

HOUSE FILE 349

1 1  
1 2  
1 3 AN ACT  
1 4 RELATING TO THE REPRESENTATION OF INDIGENT PERSONS AND  
1 5 INDIGENT DEFENSE CLAIMS.

1 6  
1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 8  
1 9 Section 1. Section 13B.4, subsection 4, paragraph d,  
1 10 subparagraph (2), Code 2003, is amended to read as follows:

1 11 (2) The motion shall be set for hearing by the court and  
1 12 the state public defender shall be provided with at least ten  
1 13 days' notice of any the hearing on the motion. The state  
1 14 public defender shall not be required to file a resistance to  
1 15 the motion filed under this paragraph "d".

1 16 Sec. 2. Section 13B.4, subsection 4, paragraph d, Code  
1 17 2003, is amended by adding the following new subparagraph:

1 18 NEW SUBPARAGRAPH. (7) Any court order entered after the  
1 19 state public defender has taken action on a claim, which  
1 20 affects that claim, without first notifying the state public  
1 21 defender and permitting the state public defender an  
1 22 opportunity to be heard, is void.

1 23 Sec. 3. Section 13B.4, Code 2003, is amended by adding the  
1 24 following new subsection:

1 25 NEW SUBSECTION. 6A. The state public defender shall not  
1 26 revise the allocations to the office of the state public  
1 27 defender and the allocations for fees of court-appointed  
1 28 attorneys for indigent adults and juveniles, unless notice of  
1 29 the revisions is given prior to their effective date to the  
1 30 legislative fiscal bureau, the cochairpersons and ranking  
1 31 members of the joint appropriations subcommittee on the  
1 32 justice system, and the cochairpersons and ranking members of  
1 33 the house and senate committees on appropriations.

1 34 Sec. 4. Section 13B.9, subsection 4, Code 2003, is amended  
1 35 to read as follows:

2 1 4. If a conflict of interest arises or if the local public  
2 2 defender is unable to handle a case because of a temporary  
2 3 overload of cases, the local public defender shall return the  
2 4 case to the court. If the case is returned and the state  
2 5 public defender has filed a successor designation, the court  
2 6 shall appoint the successor designee. If there is no  
2 7 successor designee on file, the court shall make the  
2 8 appointment pursuant to section 815.10. As used in this  
2 9 subsection, "successor designee" may include another local  
2 10 public defender office or a nonprofit organization that has a  
2 11 contract with the office of the state public defender for the  
2 12 provision of legal services to indigent persons.

2 13 Sec. 5. Section 815.11, Code 2003, is amended to read as  
2 14 follows:

2 15 815.11 APPROPRIATIONS FOR INDIGENT DEFENSE.  
2 16 Costs incurred under chapter 229A, 665, or 822, or section  
2 17 232.141, subsection 3, paragraph "c", or section 598.23A,  
2 18 814.9, 814.10, 814.11, 815.4, ~~815.5,~~ 815.7, 815.10, or 908.11  
2 19 on behalf of an indigent shall be paid from funds appropriated  
2 20 by the general assembly to the office of the state public  
2 21 defender in the department of inspections and appeals for  
2 22 those purposes. Costs incurred in any administrative  
2 23 proceeding or in any other proceeding under ~~chapter 598, 600A,~~  
2 24 ~~633, or 915,~~ or other provisions of the Code or administrative  
2 25 rules are not payable from these funds.

2 26  
2 27  
2 28  
2 29  
2 30 CHRISTOPHER C. RANTS  
2 31 Speaker of the House

2 32  
2 33  
2 34 MARY E. KRAMER  
2 35 President of the Senate

3 1  
3 2 I hereby certify that this bill originated in the House and  
3 3 is known as House File 349, Eightieth General Assembly.

3 4  
3 5

3 6  
3 7 MARGARET THOMSON  
3 8 Chief Clerk of the House  
3 9 Approved \_\_\_\_\_, 2003  
3 10  
3 11  
3 12 \_\_\_\_\_  
3 13 THOMAS J. VILSACK  
3 14 Governor